

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

2016-1402

In re Apple Inc.

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing.

Name of party you represent: Director – U.S. Patent and Trademark Office

Party is (select one) ☐ Appellant/Petitioner ☐ Cross-Appellant
☒ Appellee/Respondent ☐ Intervenor

Tribunal appealed from and Case No.: Patent Trial and Appeal Board (PTAB) Appeal No. 2014-007899/ Reexamination Control No. 90/012,332

Date of judgment/order: September 24, 2015

Type of case: Ex Parte Reexamination before the U.S. Patent and Trademark Office

Relief sought on appeal: Reversal or vacatur of PTAB Final Decision

Relief awarded below (if damages specify) N/A

Briefly describe the judgment/order appealed: Final decision of the PTAB affirming the rejection of claims 1-21 of U.S. Patent No. 7,844,915.

Nature of judgment (select one)

☒ Final judgment, 28 USC 1295

☐ Rule 54(b)

☐ Interlocutory order (specify type) _____

☐ Other (explain - see Fed. Cir. R. 28(a)(5)) _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued: The Director is not aware of any appeals pending or previously resolved by this Court involving U.S. Patent No. 7,844,915 in addition to those identified in Appellant's Docketing Statement (ECF No. 9).

Brief statement of the issues to be raised on appeal: Whether the PTAB erred in affirming the rejections of claims 1-21 of U.S. Patent No. 7,844,915 as unpatentable over the prior art.

Have there been discussions with other parties relating to settlement of this case?

☐ Yes

☒ No

If "yes," when were the last such discussions?

☐ Before the case was filed below?

☐ During the pendency of the case below?

☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? ☐ Yes ☐ No

If they were mediated, by whom? _____

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not: After review by Agency counsel, the PTAB decision has been determined to be sound.

Provide any other information relevant to the inclusion of this case in the court's mediation program: No other relevant information is available.

I hereby certify that on February 3, 2016, I electronically filed the foregoing DOCKETING STATEMENT with the Court's CM/ECF filing system, which constitutes service, pursuant to Fed. R. App. P. 25(c)(2) and Fed. Cir. R. 25(a), on counsel for the Appellant.

Robert J. McManus

Name of Counsel

/s/ Robert J. McManus

Signature of counsel

U.S. Patent and Trademark Office
Office of the Solicitor
Mail Stop 8, P.O. Box 1450
Alexandria, VA 22313-1450
Telephone: 571-272-9035
Facsimile: 571-273-0373
E-mail: robert.mcmanus@uspto.gov